

FILED
BILLINGS DIV.

2009 JUN 22 PM 3 20

PATRICK E. DUFFY, CLERK

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

REV. CALVIN WARREN,)	CV-09-36-BLG-RFC
)	
Plaintiffs,)	
)	
vs.)	
)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
CROWNE PLAZA HOTEL,)	U.S. MAGISTRATE JUDGE
)	
Defendants.)	
)	

On May 28, 2009, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss Plaintiff's Complaint for failure to comply with a Court Order.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the May 28, 2009 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to


review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety. Plaintiff failed to comply with a Court Order. The relevant factors listed in *Fendler v. Westgate-California Corp.*, 527 F.2d 1168, 1170 (9th Cir. 1975), weigh in favor of dismissal.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Motion to Proceed in Forma Pauperis (*Doc. 1*) is **DENIED** and this matter is **DISMISSED** as a sanction for failing to comply with a Court Order.

The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. The Clerk of Court shall notify the parties of the making of this Order.

DATED the 22nd day of June, 2009.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE